

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 11 through 15, all newly-presented, are pending, with Claim 11 being independent. Claims 4, 5, and 7 through 10 have been cancelled without prejudice.

Claims 7 and 9 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,013,339 (Ando, et al.). All rejections are respectfully traversed.

Claim 11 recites, inter alia, (a) a correction optical system constituted as part of the objective system, in combination with (b) a detector for detecting a drive amount of the correction optical system and a controller for controlling the driving of the driver based on the output from the detector and the sensor.

However, Applicant respectfully submits that Ando, et al. fails to disclose or suggest at least the above-discussed combination of claimed features as recited, inter alia, in Claim 11. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited document that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

Claims 4, 5, and 7 through 10 were rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1 and 2 of U.S. Patent No. 6,246,520 (Iizuka). All rejections are respectfully traversed.

Applicant respectfully submits that these claims of Iizuka fail to disclose or suggest at least the aforementioned feature (b) as recited, inter alia, in Claim 11. Furthermore,

the Official Action has not shown that a patent issuing from the subject application and Iizuka would have different expiration dates, given their common priority claim and 20 year term.

Claims 9 and 10/9 were objected to under 37 C.F.R. § 1.75 as being substantial duplicates of Claims 7 and 8/7. This objection is respectfully traversed, and is submitted to have been mooted by the cancellation of those claims.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, reading "Daniel Hueck". The signature is written in a cursive style with a horizontal line underneath.

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